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# Baldwin v. Sebelius - Ninth Circuit Scheduling Order

United States Court of Appeals for the Ninth Circuit

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FILED

UNITED STATES COURT OF APPEALS

SEP 23 2010

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

STEVE BALDWIN and PACIFIC  
JUSTICE INSTITUTE,

Plaintiffs - Appellants,

v.

KATHLEEN SEBELIUS, in her official  
capacity as Secretary of the United States  
Department of Health and Human  
Services; et al.,

Defendants - Appellees.

No. 10-56374

D.C. No. 3:10-cv-01033-DMS  
Southern District of California,  
San Diego

ORDER

This is a preliminary injunction appeal. Appellants' motion to amend the briefing schedule is granted in part. The briefing schedule is amended as follows: the opening brief and excerpts of record are now due November 29, 2010; the answering brief is due December 27, 2010 or 28 days after service of the opening brief, whichever is earlier; and the optional reply brief is due within 14 days after service of the answering brief. *See* 9th Cir. R. 3-3(b).

If appellants fail to file timely the opening brief, this appeal will be dismissed automatically by the Clerk for failure to prosecute. *See* 9th Cir. R. 42-1.

If the United States Supreme Court grants the petition for writ of certiorari, appellants can again seek a stay of proceedings at that time.

FOR THE COURT:

Molly Dwyer  
Clerk of Court

By: Katrina K. Corbit  
Motions Attorney/Deputy Clerk  
9th Cir. R. 27-7  
General Orders/Appendix A